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EXAMINER

SALTARELLI, DOMINIC D

ART UNIT PAPER NUMBER

2611

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/748,600	<b>Applicant(s)</b> KNOBL, KARL-HEINZ	
	<b>Examiner</b> Dominic D Saltarelli	<b>Art Unit</b> 2611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: There is missing material in the specification, evidenced by the abrupt discrepancy between the end of page 14 and the beginning of page 15. The amendment to the specification attempts to rectify this problem, but misquotes the page to be amended. The amendment to the specification reads "replace the paragraph starting on page 1, line 1" and should be changed to read --replace the paragraph starting on page 15, line--.

Appropriate correction is required.

### ***Claim Objections***

2. Claim 30 is objected to because of the following informalities: Claim 30 has been amended but is listed as being original in the November 12, 2004 submitted amendment. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-4, 6, 11, 12-15, 17-21, 27-29, and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanihira et al. (5,574,514, of record) [Tanihira] in view of Looney et al. (6,232,539) [Looney] and Wakai et al. (5,973,722) [Wakai].

Regarding claim 1, Tanihira discloses an audio/video system (fig. 2), comprising:

A local area network (fig. 2, col. 5, lines 36-53) having a data network (bus 71 and fibers 77), a control bus (bus 71), and a plurality of nodes (connectors 72);

A plurality of audio/video appliances (fig. 2, appliances 31, 32, 33, 34, 35, 36 and 41, col. 4 line 61 – col. 5 line 25) each having available audio/video presentations, said audio/video appliances respectively operatively connected to said plural nodes (as seen in fig. 2) for transmitting information to said local area network (col. 5, lines 54-64);

Audio/video output units (fig. 2, monitor 63 and speakers, shown at the outputs of amplifiers 61 and 62) for outputting audio/video signals (col. 5 line 65 – col. 6 line 24);

A control unit (fig. 2, system control unit [SCU] 21) having a control program (fig. 5, running on controller 21a, col. 7, lines 20-24);

An operating unit (fig. 2, commander 11) connected to said control unit (through bus 71 shown in fig. 2); and

A visual output unit (fig. 6, display unit 11d).

Tanihira fails to disclose the appliances respectively transmit information about the available audio/visual presentations, the control unit has a memory which stores the information about the available audio/visual presentations can classifies the information into classes, and the visual output unit is operatively arranged for displaying the information about the available audio/video presentations independently of the appliances, thereby creating an appliance independent user interface.

In an analogous art, Looney teaches a multimedia system wherein multimedia files are received from a source (col. 7, lines 24-32), said source also provides information about the multimedia files (col. 12, lines 27-29), and the receiving unit (fig. 1) has a memory which stores the information about the available multimedia files (the memory upon which the database of program information is stored, col. 12, lines 27-43, shown in fig. 3, song information database 220), and also includes a visual output unit (fig. 3, monitor, 140) arranged for displaying the information about the available multimedia files (fig. 13), wherein the information is divided into classes (fig. 13, categories 382), for the benefit of allowing users to choose their entertainment in response to a desire to mood that relates to a specific category (col. 6, lines 9-26).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Tanihira to include receiving information about the available audio/visual presentations at the control unit which classifies the information into classes, wherein the information is provided by the source of

the audio/visual presentations, a memory in the control unit for storing said information, and the visual display unit is operatively arranged for displaying the information about the available audio/video presentations, as taught by Looney. The reason for doing so is to enable users to choose their entertainment in response to a desire or mood that relates to a specific category, as opposed to being forced to know exactly what they want to watch or listen to beforehand, or tediously scanning through every available title to find what he/she wants.

Tanihira and Looney fail to disclose the user interface provided is appliance independent, providing information about available audio/video presentations independently of the appliances.

In an analogous art, Wakai teaches accessing audio/visual presentations from audio/visual sources from a control unit by a passenger (col. 19, lines 24-30 and col. 20, lines 30-44), wherein the presentations are presented to the passenger independently of the sources (media controller 104 maintains a master list of all available material, col. 19, lines 33-36, and passengers access the content of this list using on-screen menus, col. 20, lines 38-44, because the content data being accessed is actually stored across several servers, col. 19, lines 37-42), simplifying the selection of content by passengers by using a dynamic master list of all available content (the list of media controller 104).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Tanihira and Looney to include displaying the information about the available audio/video presentations independently of

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the sources of said presentations, as taught by Wakai, for the benefit of simplifying the selection of audio/visual presentations by presenting what is available, alleviating the complication of listing what all is available per appliance.

Regarding claim 27, Tanihira discloses a method for operating a local multimedia system (fig. 2) having a plurality of audio/video appliances (fig. 2, appliances 31, 32, 33, 34, 35, 36 and 41, col. 4 line 61 – col. 5 line 25), including the steps of:

Controlling the connections using a control unit (fig. 2, system control unit [SCU] 21, col. 7, lines 5-24)

Connecting the audio/video appliances and the control unit using a local network (fig. 2, col. 5, lines 36-53);

Connecting, by the control unit, audio/visual appliances to an output unit (connections are made via system control unit [SCU] 21 from the appliances to an output unit such as monitor 63, shown in fig. 2, col. 7, lines 20-24);

Selecting, using an operating unit (commander 11) connected the control unit (21), one the of available audio/video presentations (col. 6, lines 25-55); and

Playing back selected audio/video presentations via the output unit (col. 6, lines 13-17).

Tanihira fails to disclose transmitting information about available audio/video presentations from the audio/video appliances to the control unit, the information including one or more classifications of the audio/video

presentations; processing, at the control unit, the information about the available audio/video presentations into classes using the classifications independently of the appliances; outputting the information about the available audio/video presentations which has been processed into classes independently of the appliances onto a visual output unit; and selecting by the control unit an audio/visual appliance which is suitable for playing back a selected audio/video presentation.

In an analogous art, Looney teaches a multimedia system wherein multimedia files are received from a source (col. 7, lines 24-32), said source also provides information about the multimedia files (col. 12, lines 27-29) which includes classification information (category information, col. 12, lines 27-30), and also includes a visual output unit (fig. 3, monitor, 140) arranged for displaying the information about the available multimedia files (fig. 13), wherein the information is processed (arranged into a database using information associated with the titles themselves, col. 12, lines 26-43) and divided into classes (fig. 13, categories 382), for the benefit of allowing users to choose their entertainment in response to a desire to mood that relates to a specific category (col. 6, lines 9-26).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Tanihira to include receiving information, including classification information, about the available audio/visual presentations at the control unit, wherein the information is provided by the source of the



audio/visual presentations, processing the information about the available audio/video presentations into classes using the classifications, and outputting the information to a visual display unit, as taught by Looney. The reason for doing so is to enable allowing users to choose their entertainment in response to a desire or mood that relates to a specific category, as opposed to being forced to know exactly what they want to watch or listen to beforehand, or tediously scanning through every available title to find what he/she wants.

Tanihira and Looney fail to disclose classifying audio/video presentations independently of the appliances and selecting, by the control unit, an audio/video appliance which is suitable for playing back the selected audio/video presentation.

In an analogous art, Wakai teaches accessing audio/visual presentations from audio/visual sources from a control unit by a passenger (col. 19, lines 24-30 and col. 20, lines 30-44), wherein the presentations are presented to the passenger independently of the sources (media controller 104 maintains a master list of all available material, col. 19, lines 33-36, and passengers access the content of this list using on-screen menus, col. 20, lines 38-44, because the content data being accessed is actually stored across several servers, col. 19, lines 37-42, thus the correct server is accessed automatically), simplifying the selection of content by passengers by using a dynamic master list of all available content (the list of media controller 104).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Tanihira and Looney to include displaying

the information about the available audio/video presentations independently of the sources of said presentations and subsequently selecting an appliance which is suitable for playing back a selected presentation, as taught by Wakai, for the benefit of simplifying the selection of audio/visual presentations by presenting what all is available in a straightforward manner.

Regarding claims 2 and 28, Looney additionally discloses each class ('main category' mentioned in step 562 in fig. 7) includes at least one subclass (fig. 7, step 570, 'subcategories') and wherein the visual output which displays the class information (the device which is displaying the 'screen 3' of step 560 in fig. 7) displays the classes (main category, 562), the subclasses for a selected class (subcategories, 570) and names for ones of said multimedia files in a selected class and subclass (listing step 578), facilitating the location and selection of desired titles through an intuitive search feature based on the user's desires (col. 10 line 63 – col. 11 line 16).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method disclosed by Tanihira, Looney, and Wakai to include in each class, subclasses, which upon selection of a subclass would display to the user on the audio/visual display unit the names for the presentations within said selected class and subclass, as taught by Looney, for the benefit of locating a selecting desired titles through an intuitive search feature based on the user's desires.

Regarding claims 3 and 29, Tanihira further discloses said operating unit comprises means for selecting (fig. 6, key input unit 11c) a selected one of the available audio/video presentations (col. 7, lines 30-32) independently of the appliances (as taught by Wakai) and means for automatically retrieving the selected one of the available audio/video presentations using said control unit (fig. 5, control means being run on microprocessor 21a, col. 7, lines 5-19) such that all of said A/V appliances are operable using said operating unit (there is no teaching of restricting usage to certain controllers, thus all of the controllers have access to all of the appliances).

Regarding claim 4, Wakai additionally teaches a plurality of audio/video output units for outputting audio/video signals (seat peripherals which deliver audio/video content to passengers, col. 7, lines 47-62), enabling different audio/video presentations to be delivered to multiple passengers simultaneously (col. 8 line 54 – col. 9 line 21).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system of Tanihira, Looney, and Wakai to include a plurality of audio/video output units, as taught by Wakai, for the benefit of delivering different audio/video presentations to multiple passengers concurrently.

Regarding claim 6, Tanihira further discloses a plurality of operating units (commanders 11 and 12 in fig. 2) connected to said control unit (SCU 21).

Regarding claims 11 and 32, Tanihira further discloses said control unit comprises means for reducing, then restoring, volume when the selected one of the available audio/video presentations is changed (col. 10 line 55 – col. 11 line 22).

Regarding claim 12, Tanihira, Looney, and Wakai disclose the system of claim 1, and Tanihira further discloses said operating unit comprises a start playback function (play key) and a change volume function (volume up/down key) (col. 7, lines 46-58), but Tanihira, Looney, and Wakai fail to disclose a stop playback function.

Looney additionally teaches a stop playback function (col. 11, lines 60-65), enabling a user to stop playback of a presentation whenever desired.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system of Tanihira, Looney, and Wakai to include a stop playback function, as taught by Looney, for the benefit of enabling a user to stop playback of an audio/video presentation whenever desired.

Regarding claims 13 and 33, Tanihira, Looney, and Wakai disclose the system and method of claims 1 and 27, and further disclose the network is a ring

network (as seen in fig. 2 of Tanihira, wherein the combination of bus 71 and bus 77 comprise a complete, closed loop ring network).

Regarding claim 14, Tanihira further discloses said audio/video system is in a motor vehicle (col. 2 line 66 – col. 3 line 6).

Regarding claim 15, Tanihira further discloses one of said plural audio/video appliances is operatively arranged for reading map data for a navigation system (col. 9 line 64 – col. 10 line 17).

Regarding claim 17, Tanihira further discloses available presentations comprise radio stations (from AM/FM tuner 36 in fig. 2) and TV stations (from TV tuner 41 in fig. 2).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Tanihira, Looney, and Wakai to include in the classes (taught by Looney), radio stations and TV stations, as taught by Tanihira, for the benefit of displaying to the user all available audio/video presentations.

Regarding claim 18, Looney additionally discloses one of the classes of presentations includes a type of presentation (fig. 13 includes categories

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according to type, such as Jazz, Folk, Rock, and Metal), enabling a user to choose a presentation according to their mood (col. 6, lines 9-26).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Tanihira, Looney, and Wakai to include one of the classes of presentations includes a type of presentation, as taught by Looney, for the benefit of enabling users to choose an audio/video presentation according to their mood.

Regarding claim 19, Looney additionally discloses one of the classes of presentations includes music titles (as clearly seen in fig. 13), enabling users to select music titles as a presentation.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Tanihira, Looney, and Wakai to include music titles in one of the classes of presentations, as taught by Looney, for the benefit of enabling a user to select desired music titles as an audio/visual presentation.

Regarding claim 20, Tanihira further discloses available presentations include information which is not continuously available, as the information from the AM/FM tuner 36 and the TV tuner 41 in fig. 2 are only available at the times the information is being broadcast, and thus a class which accesses these sources is a class for information which is not continuously available.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Tanihira, Looney, and Wakai to include in the classes (taught by Looney), information which is not continuously available, as taught by Tanihira, for the benefit of displaying to the user all available audio/video presentations.

Regarding claim 21, Looney additionally teaches classifying into category (seen in fig. 13, such as classical, jazz, and folk), and also classifying into more general types as well (seen in fig. 13, such as dance, SP dance, and energy), and music titles include classification information which places the titles into more than one such class (titles include information which places them according to category, style, dance type, speed, and energy, col. 11, lines 10-16), enabling users to more effectively find desired titles when selecting by category by removing strict limitations imposed by exclusive categories on the location of titles, as one title could be found in multiple categories if it meets the criteria for each (col. 10 line 63 – col. 11 line 16).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Tanihira, Looney, and Wakai to include assigning an audio/video presentation to a plurality of classifications, as taught by Looney, for the benefit of enabling users to more effectively find desired audio/visual presentations categorically.

Regarding claim 34, Tanihira, Looney, and Wakai disclose the method of claim 27, but fail to disclose one of the classes of audio/visual presentations include: radio and TV stations, information which is not continuously available, a type of audio/visual presentation available and a classification for music titles.

Tanihira further discloses available presentations comprise radio stations (from AM/FM tuner 36 in fig. 2) and TV stations (from TV tuner 41 in fig. 2) and information which is not continuously available, as the information from the AM/FM tuner 36 and the TV tuner 41 in fig. 2 are only available at the times the information is being broadcast.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Tanihira, Looney, and Wakai to include in the classes (taught by Looney), radio and TV stations, and information which is not continuously available, as taught by Tanihira, for the benefit of displaying to the user all available audio/video presentations.

Looney additionally discloses one of the classes of presentations includes a type of presentation (fig. 13 includes categories according to type, such as Jazz, Folk, Rock, and Metal), enabling a user to choose a presentation according to their mood (col. 6, lines 9-26), and one of the classes of presentations includes music titles (as clearly seen in fig. 13).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Tanihira, Looney, and Wakai to include one of the classes of presentations includes a type of presentation, as taught by



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Looney, for the benefit of enabling users to choose an audio/video presentation according to their mood and to pick select desired music titles as an audio/visual presentation.

Regarding claim 35, Looney additionally teaches classifying into category (seen in fig. 13, such as classical, jazz, and folk), and also classifying into more general types as well (seen in fig. 13, such as dance, SP dance, and energy), and music titles include classification information which places the titles into more than one such class (titles include information which places them according to category, style, dance type, speed, and energy, col. 11, lines 10-16), enabling users to more effectively find desired titles when selecting by category by removing strict limitations imposed by specific categories on the location of titles, as one title could be found in multiple categories if it meets the criteria for each (col. 10 line 63 – col. 11 line 16).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Tanihira, Looney, and Wakai to include assigning an audio/video presentation to a plurality of classifications, as taught by Looney, for the benefit of enabling users to more effectively find desired audio/visual presentations categorically.

Regarding claim 36, the classification information disclosed by Looney is expandable, as the information associated with the titles is at the sole discretion

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of the source (col. 12, lines 27-30) and the database is compiled automatically using a conventional database program using database identifiers (col. 12, lines 29-43), thus the number of classes is expandable, as the source would merely need to add additional database identifiers to transmitted titles.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanihira, Looney, and Wakai as applied to claim 4 above, and further in view of Katayama et al. (6,141,036) [Katayama].

Regarding claim 5, Tanihira, Looney, and Wakai disclose the system of claim 4, but fail to disclose said operating unit comprises means for selecting one of said plural audio/visual output units.

In an analogous art, Katayama teaches enabling a user to select a desired output device for playback of output from an image reproducing means through selection from a displayed menu (col. 8 line 64 – col. 9 line 7), granting a user control over where content is displayed.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Tanihira, Looney, and Wakai to include means for selecting an output unit, as taught by Katayama, for the benefit of enabling a user to display a requested audio/visual presentation at whichever output unit the user desires.

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6. Claims 7, 8, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanihira, Looney, and Wakai as applied to claims 6 and 27 above, and further in view of Ishiguro et al. (4,751,581) [Ishiguro].

Regarding claim 7, Tanihira, Looney, and Wakai disclose the system of claim 6, but fail to disclose each of said plural operating units is assigned a priority.

In an analogous art, Ishiguro teaches controlling an output unit (a television) with several operating units (remote control and a manual input device, col. 5, lines 30-38), wherein the operating units are assigned priority (col. 5, lines 38-45), providing conflict resolution if control signals are received concurrently by providing means to select only one (col. 5, lines 52-68).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Tanihira, Looney, and Wakai to include assigning priority to the operating units, as taught by Ishiguro, for the benefit of providing a means of conflict resolution when receiving commands from the plurality of operating units.

Regarding claim 8, Ishiguro further teaches a selection made using an operating unit with a high priority is prevented from being modified by another operating unit have a lower priority (upon receiving conflicting selections, the selection made by the lower priority device is discarded, col. 5, lines 52-68).

Regarding claim 30, Tanihira, Looney, and Wakai disclose the method of claim 27, but fail to disclose each of said plural operating units is assigned a priority and a selection made using a first operating unit with a first priority is only modified is done using an operation unit with higher priority.

In an analogous art, Ishiguro teaches controlling an output unit (a television) with several operating units (remote control and a manual input device, col. 5, lines 30-38), wherein the operating units are assigned priority (col. 5, lines 38-45), wherein a selection made using an operating unit with a high priority is prevented from being modified by another operating unit have a lower priority (upon receiving conflicting selections, the selection made by the lower priority device is discarded, col. 5, lines 52-68), providing conflict resolution if control signals are received concurrently by providing means to select only one (col. 5, lines 52-68).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Tanihira, Looney, and Wakai to include assigning priority to the operating units and a selection made using a first operating unit with a first priority is only modified is done using an operation unit with higher priority, as taught by Ishiguro, for the benefit of providing a means of conflict resolution when receiving commands from the plurality of operating units

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7. Claims 9, 10, 24, 25, 31, and 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanihira, Looney, and Wakai as applied to claims 3 and 27 above, and further in view of Edson (6,526,581).

Regarding claim 9, Tanihira, Looney, and Wakai disclose the system of claim 3, and further disclose the audio/visual appliances have priority (Tanihira, col. 5, lines 30-35), but fail to disclose said control unit is operatively arranged for assigning a priority to each of said plural audio/video appliances.

In an analogous art, Edson discloses a gateway device which assigns priorities to different services (col. 9, lines 25-33), allowing the device which connects services to output devices to enable services which are more immediate, urgent, needed, or necessary to take precedence over services which are less so in a flexible manner.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Tanihira, Looney, and Wakai to operatively arrange the control unit to assign priority, as taught by Edson, for the benefit of enabling the control unit which connects services to output devices to enable services which are more immediate, urgent, needed, or necessary to take precedence over services which are less so in a flexible manner.

Regarding claims 10 and 31, Tanihira further discloses means for connecting an audio/video appliance to an audio/video output unit (software running on controller 21a in fig. 5, col. 7, lines 5-24), wherein when two devices

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provide the same information (same audio/video presentations, such as audio sources that provide the same information but one is superior to the other, col. 5, lines 4-9), the device with the highest priority provides the information to the output unit (only the highest priority devices 'survive' request conflicts, col. 12, lines 25-27).

Regarding claims 24, 25, and 38-42, Tanihira, Looney, and Wakai disclose the system and method of claims 1 and 27, wherein the presence of a first service module for selecting a suitable audio/video appliance for playing back the selected audio/video presentation is an inherent feature of the disclosed combination, because Wakai teaches selection of presentations is performed independently of the source of the presentation (as described regarding claims 1 and 27), thus requiring the presence of a software module running on the controller (Tanihira, controller 21a in fig. 5) or equivalent device to identify the suitable appliance for playing back the selected presentation by whatever means necessary. Tanihira, Looney and Wakai fail to disclose said control program comprises a plurality of service modules which comprise a second service module for selecting and managing said output unit; a third service module for connecting the network's node addresses stipulated by the selection of the first and second service modules; and a fourth service module which requests the function of the first second, and third service modules.

In an analogous art, Edson teaches a control unit (fig. 1, gateway 13) which interconnects a plurality of devices in a network (col. 7, lines 36-43) and includes a service module for selecting and managing output units (output units are any device which displays information whose source is another device on the network, such as described in col. 11, lines 30-40 where a PC displays web pages from a data device within the network, and the service module is the means by which said output unit is identified and managed, the application program interface, or API, col. 8, lines 3-11), a service module for connecting node addresses (router 103, col. 10, lines 55-65), and a service module for calling and coordinating all other resident service modules (the operating system, col. 11 lines 3-19). Implementation of such service modules is utilizing an open API type interface, which facilitates the addition of new types of devices for communication via the network (col. 12, lines 50-56).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method and Tanihira, Looney, and Wakai to include a second service module for selecting and managing said output unit; a third service module for connecting the network's node addresses stipulated by the selection of the first and second service modules; and a fourth service module which requests the function of the first second, and third service modules, as taught by Edson, for the benefit of implementing an open API type interface which facilitates the addition of new types of devices for communication via the network, increasing the flexibility of the network.

8. Claims 22, 23, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanihira, Looney, and Wakai as applied to claims 1 and 27 above, and further in view of Beckert et al. (WO 99/35009, of record) [Beckert].

Regarding claim 22, Tanihira, Looney, and Wakai disclose the system of claim 1, but fail to disclose the local area network comprises an open system.

In an analogous art, Beckert teaches utilizing an open system for a local area network (page 6, lines 13-17), enabling the interoperation of various applications and hardware devices by the network which can all come from various independent vendors and subsequently installed at any time (page 6, lines 13-23).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Tanihira, Looney, and Wakai implement the local area network as an open system, as taught by Beckert, for the benefit of maximizing the flexibility and upgradeability of the system through the interoperation of different devices from different vendors, said devices thus enabled to be replaced, added, or upgraded at any time.

Regarding claims 23 and 37, Tanihira, Looney, and Wakai disclose the system of claims 1 and 27, but fail to disclose said control unit comprises virtual interfaces for each of said audio/visual appliances.



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In an analogous art, Beckert teaches using an application program interface (API) for supporting a plurality of different sources in an entertainment system, wherein the use of an API establishes virtual interfaces that enable communications between requesting applications and source devices (page 22, lines 9-15). Using an API frees an application from having to know the hardware and implementation details of the information sources (page 22, lines 9-12), increasing the flexibility of the system by allowing for the connection of diverse source devices.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method disclosed by Tanihira, Looney, and Wakai to include virtual interfaces for each of the audio/video appliances in the control unit, as taught by Beckert, for the benefit of increasing the flexibility of the system by allowing for the connection of diverse audio/visual appliances.

9. Claims 26 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanihira, Looney, and Wakai as applied to claims 1 and 27 above, and further in view of Becker (6,157,725, of record).

Regarding claims 26 and 43, Tanihira, Looney, and Wakai disclose the system of claims 1 and 27, but fail to disclose said control program comprises a registration module for registering newly connected audio/video appliances.

In an analogous art, Becker teaches a registration module (running in control unit 2 in fig. 1) which tracks and records the removal, replacement, and

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addition of audio/visual units to and from the network (col. 9, lines 43-48), keeping the known system configuration current.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method disclosed by Tanihira, Looney, and Wakai to include a registration module, as taught by Becker, for the benefit of maintaining a current knowledge base of system configuration.

10. Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanihira, Looney, and Wakai as applied to claims 1 and 27 above, and further in view of Kawamura et al. (EP 0 560 593 A2, of record) [Kawamura].

Regarding claim 16, Tanihira, Looney, and Wakai disclose the system of claim 1, but fail to disclose the audio/video system comprises a home multimedia system.

In an analogous art, Kawamura teaches an audio/visual system (fig. 18) that is a home multimedia system (col. 20 line 53 – col. 21 line 22), enabling users to enjoy the benefits of a comprehensive audio/visual system from their homes.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Tanihira, Looney, and Wakai implement the audio/video system as a home multimedia system, as taught by Kawamura, for the benefit of enabling users to enjoy the benefits of the disclosed comprehensive audio/visual system from their homes.

***Response to Arguments***

11. Applicant's arguments filed November 12, 2004 have been fully considered but they are not persuasive.

In this case, applicant alleges that the claimed limitations of a plurality of A/V appliances and classifying available presentations into classes are not met by the combination of Tanahira, Looney, and Wakai, pointing out that:

- a) Tanahira fails to teach the display of A/V presentations independent of the appliances with which the presentations are associated (page 15, last paragraph).
- b) Looney fails to teach a plurality of A/V appliances (page 16, first paragraph).
- c) Wakai fails to disclose that a control unit classifies the available presentations (page 17, 2<sup>nd</sup> paragraph).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding a), this feature is taught by Wakai, as shown in col. 19, lines 33-36 and col. 20, lines 38-44, as applied above regarding claim 1.

Regarding b), this feature is taught by Tanahira, shown in fig. 2, and the Tanahira reference is relied upon as such.

Regarding c), this feature is taught by Looney, shown in fig. 13, and the Looney reference is relied upon as such.

12. Applicant's state that Wakai fails to teach the limitation of a plurality of A/V appliances (page 16, last paragraph through page 17, line 7), alleging the plural media servers cannot be considered separate appliances as claimed.

In response, this statement is not supported by the claim language, which simply limits an A/V appliance to be a device which has available audio/video presentations (claim 1, lines 4-5), which is met by a plurality of servers which each store available audio/video presentations, as taught by Wakai in col. 5, lines 52-64. Further, it is noted that Wakai is not relied upon to teach plural A/V appliances, regardless, such as noted above that it is Tanahira that teaches this feature in fig. 2.

13. The changes made to this office action with respect to claims 13 and 33 required only Tanahira, Looney, and Wakai to address, thus are met by Tanahira, Looney, and Wakai alone, without relying upon Kawamura as before.

### ***Conclusion***

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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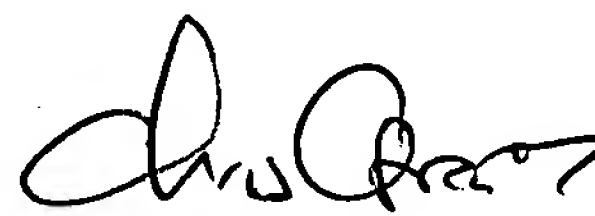
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on M-F 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294755.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli  
Patent Examiner  
Art Unit 2611

DS



CHRIS GRANT  
PRIMARY EXAMINER